

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF RICHLAND )

IN THE COURT OF COMMON PLEAS  
FIFTH JUDICIAL CIRCUIT

2007CP4003116

HENRY D. MCMASTER, )  
in his official capacity as the )  
SECURITIES COMMISSIONER FOR )  
THE STATE OF SOUTH CAROLINA, )

Plaintiff, )

-vs- )

CAPITAL CONSORTIUM GROUP, INC.; )  
3 HEBREW BOYS, LLC; TONY POUGH; )  
TIM MCQUEEN; JOSEPH BRUNSON; )  
AND FIRST CITIZENS BANK AND )  
TRUST COMPANY, INC., )  
Defendants. )

TEMPORARY RESTRAINING ORDER

07-CP-40-\_\_\_\_\_

RICHLAND COUNTY  
FILED  
2007 MAY 22 AM 8:48  
CLERK  
C.C.C. & S.C.

This matter came before the Court upon a Motion for Temporary Restraining Order filed by the Plaintiff in accordance with Rule 65 of the SCRCF. In support of the Motion, Plaintiff filed Affidavit(s) which demonstrate that, absent intervention by the court, defendants Capital Consortium Group, Inc.; 3 Hebrew Boys, LLC; Tony Pough, Tim McQueen and Joseph Brunson (collectively, "Defendants") will have continued access to funds ("Funds") which were obtained, in whole or in part, by engaging in behavior the Securities Commissioner alleges violates the South Carolina Uniform Securities Act of 2005 (the "State Securities Act"). The Funds are currently located at First Citizens Bank and Trust Company, Inc. ("First Citizens Bank"), 1230 Main Street, Columbia, South Carolina 29202 (the "Bank") in the bank accounts ("Accounts") identified in Exhibit "1" attached hereto. Plaintiff has shown there is a danger of irreparable harm to the public interest and the investing markets of the State of South Carolina if the Defendants' access to the Funds is not restrained. Specifically, if the Funds are moved or

liquidated, it could be difficult, if not impossible, for the State or the affected investors to recover them at a later date. Moreover, because of the speed and relative ease with which Defendants may liquidate the subject Accounts, and the resulting harm to the interests of the State and the investors which would result if such liquidation occurred, the Court finds that sufficient grounds exist to issue a temporary restraining order without prior notice to Defendants.

Accordingly, the Court finds that Plaintiff has demonstrated a likelihood of succeeding on the merits of this case and that there is no adequate remedy at law if immediate injunctive relief is not granted.


IT IS THEREFORE ORDERED that the Plaintiff's motion for a Temporary Restraining Order is GRANTED; and

IT IS ORDERED that Defendants are enjoined from moving, liquidating or dissipating any or all of the Accounts, and/or the Funds contained therein; and

IT IS FURTHER ORDERED that this Order shall be binding on the Bank; Defendants, their agents, principals, servants, employees, attorneys, and upon those persons in active concert or participation with them who receive actual notice of this Order by personal service or otherwise.

This Order shall be valid for ten (10) days from the date and time of its execution.

AND IT IS SO ORDERED.

  
\_\_\_\_\_  
Presiding Judge  
Fifth Judicial Circuit

Date: 5-21-07

Time of Signing: 5:55 p.m.

EXHIBIT 1

1. Account 083125048501 located at the First Citizens Bank, 1230 Main Street, Columbia, South Carolina 29202.
2. Account 083125049301 located at the First Citizens Bank, 1230 Main Street, Columbia, South Carolina 29202.
3. Account 083125024601 located at the First Citizens Bank, 1230 Main Street, Columbia, South Carolina 29202.
4. Account 083125011301 located at the First Citizens Bank, 1230 Main Street, Columbia, South Carolina 29202.
5. Account 083125047701 located at the First Citizens Bank, 1230 Main Street, Columbia, South Carolina 29202.